

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
May 12, 2004

ITEM: 6

SUBJECT: City of San Diego: Administrative Assessment of Civil Liability containing a \$9,000 Mandatory Minimum Penalty against the City of San Diego for violation of effluent limitations established by Order No. R9-2003-0050, NPDES No. CA0109029, Waste Discharge Requirements for Groundwater Extraction Waste Discharges to San Diego Bay from the San Diego Convention Center, San Diego County. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0107) (Rebecca Stewart)

PURPOSE: The Regional Board will decide whether to accept the City of San Diego's signed waiver of public hearing and \$9,000 payment in settlement of the allegations in Administrative Civil Liability Complaint No. R9-2004-0067 (Document No. 3).

PUBLIC NOTICE: A public notice was published in the San Diego Union Tribune on April 9, 2004. Public notification for this item was also provided in the "Notification" section of the Regional Board Agenda Notice for the April 14, 2004 meeting. The 30-day public comment period ended April 29, 2004.

DISCUSSION: On March 2, 2004 the Executive Officer issued Complaint No. R9-2004-0067 for Administrative Civil Liability with Mandatory Minimum Penalties in the amount of \$9,000 against the City of San Diego for violations of effluent limitations contained in Order No. R9-2003-0050. The effluent limitation violations included one average monthly effluent limitation (AMEL) tributyltin violation in September 2003, one instantaneous maximum and one AMEL total suspended solids effluent limitation violation in November 2003. The above violations are defined as serious violations that require a mandatory minimum penalty of three thousand dollars (\$3,000) in accordance with California Water Code section 13385(h).

Consideration of the factors prescribed in California Water Code section 13385(e), based upon information available to the Regional Board, supports assessment of civil liability pursuant to Water

Code section 13385(h) in the amount of \$9,000.

On March 26, 2004 the City of San Diego waived its right to a public hearing and paid the assessment of civil liability proposed in the Complaint.

If the Regional Board does not adopt the tentative Order accepting the City of San Diego's settlement, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter have been received during the 30-day comment period.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2004-0107
- (3) Waiver of Hearing Form signed March 26, 2004
- (4) Complaint No. R9-2004-0067 dated March 2, 2004

RECOMMENDATION: The adoption of tentative Order No. R9-2004-0107 is recommended.